which no sanction had been given. An excess amount of Rs. 182 required for the purpose was also met by diversion after obtaining Government sanction. It took time for Government to consider the matter and give sanction and by that time the year elapsed and the grant lapsed. So, last year's payment was to be met from the provisions made for the current year. So, this additional amount was required to meet the expenditure for the current year. I request that the House will pass this grant.

The motion was put and carried and the grant was made.

## DEMAND XXXV-MISCELLANEOUS DEPARTMENTS (c) STORES PURCHASE COMMITTEE.

**RAJYASEVAPRAVINA G. PARAMESWARAN PILLAI**: Sir, I move for a supplementary grant for Rs. 750 under 35, Miscellaneous Departments (c) Stores Purchase Committee—Contingencies of the Repair Section. Only a provision of Rs. 937 had been made in the current year's budget under Contingencies of the Repair Section attached to the Stores Purchase Committee Office. This provision included Rs. 720 towards pay of two carpenters and one blacksmith. The balance now available for purchase of raw materials, implements, tools, etc., is only Rs. 217; it is proposed to provide an additional allotment of Rs. 750 to meet the additional expenditure.

The motion was put to vote and carried and the grant was made.

## LEGISLATIVE BUSINESS.

## THE COURT FEES ACT (AMENDMENT) BILL.

**MR. K. G. KUNJUKRISHNA PILLAI** (*Legal Remembrancer to Government*): Sir, I rise to present the report of the Select Committee on the Travancore Court Fees Act (Amendment) Bill. The main change effected by the Committee is that it has omitted Clause 3 relating to Vakil's fees for applications made to Courts. There is no such fee levied in other parts of India. I beg to move that the report made by the Select Committee be taken into consideration.

**MR. A. LAKSHMINARAYANA AYYAR**: I second it.

**MR. K. G. GOVINDAN**: If this Amendment Bill is passed, may I know, the number and categories of applications that would not come within the exception?

**MR. K. G. KUNJUKRISHNA PILLAI**: That is a hypothetical question, Sir. My honourable friend wants to know the number of applications that would not come within the purview of the Bill.

**MR. K. G. GOVINDAN**: Sir, I do not want that.

**MR. K. G. KUNJUKRISHNA PILLAI**: Applications, for instance, for adjournment would not come within the scope of the Bill.

**MR. K. G. GOVINDAN**: If this amendment is passed, may I know the income which the Government is likely to obtain?

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**MR. K. G. KUNJUKRISHNA PILLAI:** Apart from the relevancy of the question I submit that the question cannot be answered now.

**PRESIDENT:** It is not a question of revenue of two chuckrams. The main object of the Bill is to see that the applications are properly registered and it is mainly with a view to discourage frivolous applications and to see that those applications which are presented are properly dealt with, that provision is made for stamping such applications.

**Clause 1.**

Clause 1 was put to the vote of the House, was carried and ordered to stand part of the Bill.

**Clause 2.**

**MR. K. G. GOVINDAN:** I move that Clause 2 of the Bill be deleted.

**MR. K. G. KUNJUKRISHNA PILLAI:** On a point of order I submit that the amendment is not in order.

**PRESIDENT:** I rule that the amendment is not in order as this is an exact negative of the principle of the Bill.

**MR. K. G. GOVINDAN:** I move that in Clause 2 of the Bill the words "or records" be deleted.

Suppose a witness is cited by a party to produce in Court a record of which he is in possession. The witness brings the record which is exhibited at the Court. Suppose that witness wants the record back. My submission is that it is for that that application is objectionable. He has been asked to produce a document of which he is in possession and he is doing that as a charity. My submission is that this should not be.

**MR. KOTTALIL P. ABRAHAM:** I too have sent in an amendment motion to the same effect and accordingly I support this motion. My point is that such applications were proposed to be taxed, at the introducing stage of this Bill, not on the ground of additional financial income to the Government but for the purpose of ensuring the applicants that their applications were safely kept among the Court records. Applications for copies of judgments, orders or decrees are no doubt important documents which the applicants cannot afford to miss, but applications for copies of the other records in a small cause are not of that category. I do not see any reason why the second class of applications should be taxed with any fee, though only of 2 chuckrams, as proposed in the Bill. I do not also know any practice among the litigants of affixing such applications with any stamp at all. My point is that when applications are presented they should be stamped not on economic grounds but for the purpose of enabling the party to see that applications are filed in the Courts. Applications for copies, judgments, orders or decrees are considered to be more important documents than applications for criminal records in cases. I often see that these copies of records, especially of the records referred to, should be granted on a fee of 2 Chuckrams or so.

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MR. K.G. KUNJUKRISHNA PILLAI : Sir, with regard to the amendment moved by honourable member Mr. Govindan, I am afraid he has misunderstood the position. All that is intended is that in the case of copies of records, a petition fee will be charged. The clause does not apply to the case contemplated by Mr. Govindan. It is also the case that the largest number of applications are for copies of records. And therefore I submit, Sir, by deleting the words "or records" it would result in reducing the number of applications at least by 75 per cent.

The amendment was put to vote and declared lost.

Clause 2 was then put to vote and carried and added to the Bill.

**Clause 3.**

MR. K. KUNJU PANICKAR : I move that Clause 3 (relating to Vakil's fees—as in the original Bill—for Vakil's fee memo to be submitted to Courts) be restored. The stamp value for application for Vakil's fee or Advocate's fee certificate is 2 Chuckrams. Generally the practice of Vakils is to affix a stamp of the value of 2 Chukrams now.

PRESIDENT : Please explain it.

MR. K. KUNJU PANICKAR : There is no obligatory rule to enter the unstamped Vakil's fee certificate which is presented before court in any Court record. The result is that we find that it does not find a place in the decree. This has been very detrimental to the Vakils and the parties. So we have now almost uniformly, as a matter of practice, accepted the method of affixing this 2 Chuckrams stamp. This practice which is in vogue is to be accepted by legislation—I do not find any reason for deleting that item in this legislation. Those Vakils who are not cautious or prudent enough to get the stamp affixed sometimes fail to get the Vakil's fee itself. I submit that it is a very beneficent rule and is one which is practised uniformly in every Court.

SADASYATILAKA T. K. VELU PILLAI : I propose to second the amendment. The question of enforcing a payment is the loss which the mover looks forward to. He stated very clearly that the object is to prevent such omissions on the part of the clerical staff of the Courts which will lead to the loss of particular document, the fees certificates. The proposal is one made by way of abundant caution. This abundant caution is sometimes necessary when it is remembered that very often many records get lost. I heard from the Chair just a little while back that stamping the fee certificate will solve the problem. Any member of this House who must have had any considerable practice must have seen cases in which Vakils have been obliged to file certificates over again for the reason that the original certificate is reported to be lost. And then an affidavit has to be made and other preliminary steps taken.

I put this forward on another ground. When the Government member drafted the Bill, he had made provision for this. The Select Committee, in its wisdom, after full consideration, threw it out. There must, of course, have been sufficient reasons. It is not for me to question those reasons. But when I find in the original there is this provision,



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[Sadasyatilaka T. K. Velu Pillai.]

although the Select Committee threw it out, and when I find also Mr. Kunju Panickar has with sufficient force of argument suggested a method by which a guarantee may be given to documents being filed before the Court, I find no reason why I should not support it. After all it is only two Chuckrams. It is not a reflection upon the Vakils or any others, for I find that the payment is made. Under what law it is done I do not know. I know cases where the original warrants have been lost. I know of cases where all the records have been lost. There is that possibility. I wish only to know what the harm is if the affixing is prescribed and if the learned Legal Remembrancer will give us reasons, I have no objection to have it reconsidered.

**MR. PULIYOOR T. P. VELAYUDHAN PILLAI:** I stoutly oppose this motion. I have a standing at the Bar for about 26 years and I can assure the House that I have not come across one instance of the kind, as given expression to here. But there are instances in which petitions have been subsequently filed by Vakils saying that on account of their own forgetfulness or the fault of their clients they could not file the certificte in time, and so they might be excused for the delay. This question was considered by the Select Committee appointed for the purpose, in all its aspects and they came to the conclusion that it is unnecessary because it is a matter involving a new taxation. This is a long established practice, and there must be a reasonable demand on the part of either the Vakils or the litigant public for a change. There are several Bar Associations in the State. I am not aware that any resolution has been passed at the meetings of any of these Associations requesting either the Government or the High Court to make such a change in the long established practice. That shows that there is absolutely no necessity for this sort of unnecessary taxation consequent on such a change. With these few words I oppose the motion.

**MR. KOTTALIL P. ABRAHAM:** Even now there is no rule or law objecting to the stamping of any application unnecessarily by the party who chooses to do so. There were cases known to many where applications affixed with stamps have continually been missing for three or four years and finally coming to light again according to the convenience of the party concerned. Stamping thus is no guarantee to prevent abuse or carelessness and it cannot be a proper method of precaution or safeguard against errors. No burden of unnecessary taxes or stamps should be imposed on unwilling clients by enacting unnecessary laws. On these grounds, I oppose the motion.

**MR. E. SUBRAMONIA AIYAR** (*Nominated*): So far as the practice in this regard goes, I do not have to make any mention. So far as my knowledge goes, there has not been a single mistake when a certificate is filed. And if a legislation is to be cast on the ground that certificates filed by the advocates are lost, I think we must have statistics to rely upon. And in this case we have none. I am sure that if statistics are taken there may not be more than a few cases where these are lost. So, this legislation designed for the purpose of safeguarding public interest or

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preventing any abuse cannot be based on any statistics. On the other hand, if any practitioner in any particular court feels that there is a probability of a certificate being lost, there is no objection to his putting upon that application a two chuckrams stamp or a one-rupee stamp. In the circumstances, I do not see any necessity for the Legislature to interfere and make it compulsory.

**MR. K. G. KUNJUKRISHNA PILLAI:** With great pleasure I accept the amendment. It is a strange turn in the wheel that when the Bill was first introduced, this clause was objected to and raised very many criticisms with heat and warmth and that when it is now being approached again, honourable members of the House are prepared to restore the very clause which they objected to formerly. I submit, Sir, that the strongest opposition formerly and now comes from Mr. T. P. Velayudhan Pillai; and for the very reason which he alleges, I submit this clause should be restored. He says that in his experience, there is no single case where Vakils' fee certificate was presented without affixing the stamp. There are cases where Vakils have complained subsequently without putting those certificates. This must be prevented also.

**MR. PULIYOOR T. P. VELAYUDHAN PILLAI:** I did not make that statement. I submitted that on account of the neglect or the failure of the party to pay the Vakils' fee in time, they had to put in applications after the expiry of the time prescribed.

**MR. K. G. KUNJUKRISHNA PILLAI:** May be. But this is what I understood. Anyway, I submit, Sir, that I am prepared to accept the amendment.

**PRESIDENT:** The question before the House is, the amendment moved that clause 3 of the original Bill be restored.

The motion was put to vote and lost.

**Preamble and Title.**

**PRESIDENT:** The question before the House is, the preamble and title of the bill stand part of the Bill.

The motion was put and carried.

**MR. K. G. KUNJUKRISHNA PILLAI:** I move that in Clause 1, Sub-Clause (1) after the figures 111, the figure 8 be added.

The amendment was put and carried.

**MR. K. G. KUNJUKRISHNA PILLAI:** I move that the Bill be passed.

The Bill was put to vote and passed.

## THE TRAVANCORE VILLAGE PANCHAYAT COURTS ACT (AMENDMENT) BILL.

**MR. K. G. KUNJUKRISHNA PILLAI:** I rise to present the report of the Select Committee on the Travancore Village Panchayat Courts Act (Amendment) Bill. The Select Committee has made the very same

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